

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001  <i>This document relates to: Federal Insurance Co. v. al Qaida, 03-cv-6978 (RCC)</i>	03 MDL 1570 (RCC)  ECF Case
---	-----------------------------------

**DEFENDANT SANABEL INC.'S MOTION TO DISMISS**

Martin F. McMahon, Esq.  
MARTIN F. MCMAHON & ASSOCIATES  
1150 Connecticut Avenue NW  
Suite 900  
Washington, DC 20036  
Phone: 202-862-4343  
Facsimile: 202-828-4130

*Attorney for Defendant Sanabil, Inc.*

COMES NOW, Defendant Sanabil, Inc. (hereinafter “Sanabil”) hereby files this Motion to dismiss the Federal Insurance Plaintiffs’ (hereinafter “Plaintiffs”) complaint as it regards or relates to Sanabil as the former corporation assigned all right, title and interest to Sanabel Al-Kheer in 2001 and because the corporation no longer exists. Attached hereto are two exhibits which serve as Sanabil’s only evidence that: (1) on February 28, 2001 an “Assignment of Judgment” was signed by the then secretary M. Yaqub Mirza, which states *inter alia*, that Sanabil, Inc., assigned all right, title and interest to Sanabel Al-Kheer; and (2) that on September 9, 2002 a Certificate from the Government of the District of Columbia, Department of Consumer and Regulatory Affairs certified that the Certificate and Articles of Incorporation for Sanabil were revoked by proclamation. See Exhibits A – B.

Based upon the evidence submitted hereto the undersigned counsel submits that this Court should dismiss Sanabil from the Plaintiffs’ complaint and Order that because Sanabil has merged into Sanabel Al Kheer, that any and all of Plaintiffs’ allegations against Sanabil also merge into Plaintiffs’ allegations against Sanabel Al Kheer. Accordingly, the motion filed by Sanabel Al Kheer on this day, May 19, 2006, should apply to the former entity, Sanabil, as well as Sanabel Al Kheer since all right, title and interest has been assigned to the latter as of February 28, 2001.<sup>1</sup>

In sum, undersigned counsel for the former entity Sanabil requests the Court hereby dismiss with prejudice the claims in the above referenced action against Defendant Sanabil and that all parties bear their own attorneys’ fees, costs, and expenses.

---

<sup>1</sup> Both this Court as well as Plaintiffs’ counsel should be aware that any assets Sanabil may have had would have also merged into Sanabel Al-Kheer in or about 2001 when all the right, title and interest was assigned to Sanabel Al-Kheer.

A Proposed Order a proposed order is attached to this pleading.

Respectfully Submitted,

/s/  
Martin McMahon, Esq., M.M. 4389  
Martin McMahon & Associates  
1150 Connecticut Ave., N.W.  
Suite 900  
Washington, D.C. 20036  
(202) 862-4343  
(202) 828-4130  
*Attorney for Defendant Sanabel Al-Kheer*

Dated: May 19, 2006

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Motion to Dismiss was served via electronic case filing on this 19<sup>th</sup> day of May, 2006, upon the following:

Mr. Sean P. Carter, Esq.  
Cozen O'Connor  
1900 Market St.  
Philadelphia, Pa. 19103-3508

/s/  
Lisa D. Angelo, Esq.